

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

CURB RECORDS, INC. and MIKE CURB FOUNDATION,

Plaintiffs,

v.

WILLIAM LEE, as Governor of the State of Tennessee, in his official capacity; CARTER LAWRENCE, as Commissioner of the Tennessee Department of Commerce and Insurance, in his official capacity; WILLIAM B. HERBERT IV, as Director of the Nashville Department of Codes and Building Safety, in his official capacity; and GLENN FUNK, as District Attorney General for the 20th Judicial District of Tennessee, in his official capacity,

Defendants.

Civil Action No. 3:21-cv-0500

**AGREED ORDER**

Currently pending before the Court is Plaintiffs' Motion for Summary Judgment (Dkt. 42) in which they argue that Tennessee Code Annotated § 68-120-120 is unconstitutional and may not be enforced against them. The Parties have agreed to resolve the motion and dismiss the case on the following terms.

Defendants agree that Plaintiffs are entitled to a declaration that Tennessee Code Annotated § 68-120-120 is unconstitutional and may not be enforced against Plaintiffs.

Plaintiffs waive any right to petition the Court for recovery of attorneys' fees or expenses with respect to this case.

Each party waives any and all rights to appeal from this Agreed Order.

The Court therefore declares that Tennessee Code Annotated § 68-120-120 is unconstitutional and may not be enforced against Plaintiffs, and that Plaintiffs have waived any

right to petition the Court for recovery of attorneys' fees or expenses with respect to this case.

This Agreed Order operates as a final judgment pursuant to the above terms and the case is therefore dismissed. Costs are taxed to State Defendants.

Any pending motions are **DENIED AS MOOT**.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR  
Chief United States District Judge